



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of:
ASHKENAZI, et al.
Application Serial No. 09/665,350
Filed: September 18, 2000
For: **SECRETED AND TRANSMEMBRANE
POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

) Examiner: Chernyshev, Olga N.
) Art Unit: 1646
) Confirmation No: 8200
) Attorney's Docket No. 39780-1618P2C1
) Customer No. 35489

EXPRESS MAIL LABEL NO. EL 976 547 414US
DATE MAILED: SEPTEMBER 15, 2005

NOTICE OF APPEAL

Commissioner for Patent -- MAIL STOP AF
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated June 23, 2005 of the Primary Examiner finally rejecting Claims 39-46 and 49-51. The item(s) marked below are appropriate:

- Filing Fee:**
 \$500.00 (large entity)
- The Commissioner is authorized to charge filing fee, additional fees or credit overpayment to Deposit Account No. 08-1641 (39780-1618P2C1).

Date: September 15, 2005

By: Daphne Reddy
Daphne Reddy (Reg. No. 53,507)

09665350

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SV 2153201 v1
9/15/05 12:16 PM (39780.1618)

09/20/2005 WABDELR1 00000055 081641
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PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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SEP 15 2005
U.S. PATENT & TRADEMARK OFFICE
TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/665,350
		Filing Date	September 18, 2000
		First Named Inventor	Ashkenazi, et al.
		Group/Art Unit	1646
		Examiner Name	Chernyshev, Olga N.
Total Number of Pages in This Submission	3	Attorney Docket Number	39780-1618P2C1

ENCLOSURES (check all that apply)

- FEE TRANSMITTAL FORM**
 Fee Attached
 Amendment / Response
 After Final
 Version With Markings Showing Changes
 Affidavits/declaration(s)
 Extension Of Time
 Information Disclosure Statement
 Certified Copy of Priority Document(s)
 Response to Missing Parts/ Incomplete Application
 Response to Missing Parts under 37 CFR 1.52 or 1.53
 Copy of Notice

- Copy of an Assignment
 Drawing(s)
 Licensing-related Papers
 Petition Routing Slip (PTO/SB/69) and Accompanying Petition
 Petition to Convert to a Provisional Application
 Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers
 Terminal Disclaimer
 Small Entity Statement
 Request for Refund

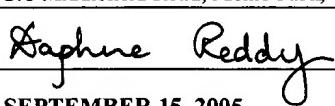
- After Allowance Communication to Group
 Appeal Communication to Board of Appeals and Interferences
 Appeal Communication to Group (*Appeal Notice, Brief, Reply Brief*)
 NOTICE OF APPEAL

 Additional Enclosure(s) (*please identify below*):
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Remarks

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39780-1618P2C1.

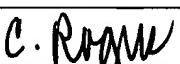
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	HELLER EHRMAN LLP 275 Middlefield Road, Menlo Park, California 94025 Telephone: (650) 324-7000 Facsimile: (650) 324-0638		
Signature			
Date	SEPTEMBER 15, 2005	Customer Number:	35489

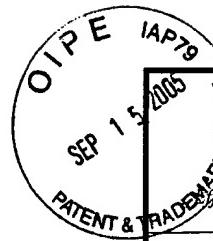
CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: MAIL STOP AF, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: SEPTEMBER 15, 2005

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Typed or printed name	C. ROGERS		
Signature		Date	SEPTEMBER 15, 2005

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09-19-05

Approved for use through 04/30/2003. OMB 0651-0032
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2005

Effective 12/08/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 500.00)

Complete if Known

Application Number	09/665,350
Filing Date	September 18, 2000
First Named Inventor	Ashkenazi, et al.
Examiner Name	Chernyshev, Olga N.
Art Unit	1646
Attorney Docket No.	39780-1618P2C1

METHOD OF PAYMENT (check one)

 Check Credit card Money Order Other None Deposit Account:Deposit Account Number **08-1641 (Docket No. 39780-1618P2C1)**Deposit Account Name **Heller Ehrman White & McAuliffe LLP**

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	500.00
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1,100	2503	550	Plant issue fee	
1460		1460		Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

SUBTOTAL (1) **(\$)**

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =	x	=
Independent Claims	-3** =	x	= 0
Multiple Dependent		=	0
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)
1202	50	2202	25
			Claims in excess of 20
1201	200	2201	100
			Independent claims in excess of 3
1203	360	2203	180
			Multiple dependent claim, if not paid
1204	200	2204	100
			**Reissue independent claims over original patent
1205	50	2205	25
			**Reissue claims in excess of 20 and over original patent
			SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

* Reduced by Basic Filing Fee Paid SUBTOTAL (3) **(\$)500.00**

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	DAPHNE REDDY	Registration No. (Attorney/Agent)	53,507	Telephone	650-324-7000
Signature	<i>Daphne Reddy</i>	Date	SEPTEMBER 15, 2005	Customer No.	35489

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop _____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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